

pupus, Jeanne

From: Dawson, Rachel Miller
Sent: Friday, July 11, 2014 3:58 PM
To: Bumpus, Jeanne
Subject: leahy foia bill
Attachments: links to foia bills and leahy hearing; FW: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#; FW: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#; FW: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#; FW: FOIA legis

dave shonka and I talked to heather who is quite in favor of us talking to leahy's staff. I started some bullets but haven't been able to complete them. Here are some background materials on the bill.

in the interim, we got the new lrm on doj talking points, with a summary of the meeting doj had w leahy staff and a revised set of proposals. Among other things it says that leahy wants to work w doj, and that he wants to bring the bill to a vote before the august recess. We may have some concerns with doj's new proposals, and may want to discuss the issue w doj very soon.

I will be out most or all of next week and all the following week. Sarah mackey oversees foia, and she and dione stearns (foia chief) will be working w ocr on this.



Bumpus, Jeanne

From: Dawson, Rachel Miller
Sent: Friday, July 11, 2014 3:32 PM
To: Mackey, Sarah D.; Stearns, Dione J.
Subject: FW: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#

more re lrm on house foia bill

From: Zullo, Evan
Sent: Tuesday, April 02, 2013 10:19 AM
To: Patton, Andrew
Cc: Bumpus, Jeanne; Dawson, Rachel Miller; Hipsley, Heather
Subject: FW: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#

Hi Andrew—

We are fine with OGC's proposed response below. Thank you for the helpful summary.

Evan

Evan R. Zullo
Attorney Advisor to Chairwoman Edith Ramirez
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington D.C. 20580
(p) 202.326.2914
(f) 202.326.2396

From: FTC-LRM
Sent: Monday, April 01, 2013 3:26 PM
To: Dawson, Rachel Miller; Bumpus, Jeanne; Vandecar, Kim; Bruno, Marian; Averitt, Neil W.; Balbach, Jeanine; Watts, Marianne R.; Bloom, Michael J.; Simons, Claudia A.; Baker, James D.; Runco, Philip; Feinstein, Richard; Bak, Patricia; Callison, J. Elizabeth; Harwood, Charles A.; Armstrong, Norman; Fisher, Steven A.; DeMartino, Laura; Kaufman, Daniel; Patton, Andrew; Gavil, Andrew I.; Zullo, Evan; Kimmel, Lisa; Kestenbaum, Janis; Nathan, Jon J.
Subject: FW: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#

From: Dawson, Rachel Miller
Sent: Monday, April 01, 2013 3:25:34 PM
To: FTC-LRM
Subject: RE: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#
Auto forwarded by a Rule

OGC does not have any concerns with the DOJ draft letter that need to be addressed, and recommends the following response:

(b)(5)

(b)(5)

From: FTC-LRM

Sent: Thursday, March 28, 2013 11:28 AM

To: Dawson, Rachel Miller; Bumpus, Jeanne; Vandecar, Kim; Bruno, Marian; Averitt, Neil W.; Balbach, Jeanine; Watts, Marianne R.; Bloom, Michael J.; Simons, Claudia A.; Lupovitz, Joni; Baker, James D.; Runco, Philip; Matties, Deborah J.; DeSanti, Susan; Feinstein, Richard; Bak, Patricia; Callison, J. Elizabeth; Vladeck, David; Bailey, Judith; Harwood, Charles A.; Armstrong, Norman; DeLorme, Christine Lee; Fisher, Steven A.; DeMartino, Laura; Lehner, Mary; Renner, Christopher; Kaufman, Daniel; Patton, Andrew

Subject: FW: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#

From: Simms, Angela M. [SMTP:ANGELA.M.SIMMS@OMB.EOP.GOV]

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Subject: FW: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#

From: Simms, Angela M. [SMTP:ANGELA.M.SIMMS@OMB.EOP.GOV]

Bumpus, Jeanne

From: Shonka, David C.
Sent: Friday, November 21, 2014 9:59 AM
To: Bumpus, Jeanne; Mackey, Sarah D.; Stearns, Dione J.
Cc: Nuechterlein, Jon

In light of the FOIA amendment requiring agencies to process 50,000 pages within 30 days, I asked a friend about DOJ's experience in reviewing documents in the tobacco case a few years ago. (b)(5)

(b)(5)

(b)(5)

Bumpus, Jeanne

From: Runco, Philip
Sent: Wednesday, November 26, 2014 2:26 PM
To: Shonka, David C.; Nuechterlein, Jon; Mackey, Sarah D.; Dawson, Rachel Miller; Stearns, Dione J.; Hippsley, Heather
Cc: Bumpus, Jeanne
Subject: FW: LRM [CMB-113-255] OMB Request for Views on S2520 - FOIA Improvement Act of 2014 #768606405#

Here's the final. Thanks for all your time in crafting this. Hope everyone has a wonderful Thanksgiving!

Phil

From: Runco, Philip
Sent: Wednesday, November 26, 2014 2:22 PM
To: Gonzalez, Oscar (Oscar_Gonzalez@omb.eop.gov)
Cc: Bumpus, Jeanne; Oxford, Clinton P.
Subject: RE: LRM [CMB-113-255] OMB Request for Views on S2520 - FOIA Improvement Act of 2014 #768606405#

FTC staff offers the following comment on "LRM [CMB-113-255] OMB Request for Views on S2520 - FOIA Improvement Act of 2014 #768606405#":

(b)(5)

(b)(5)

From: Gonzalez, Oscar[SMTP:OSCAR_GONZALEZ@OMB.EOP.GOV]

Sent: Monday, November 24, 2014 11:03:37 AM

To: JUSTICE (justice.lrm@usdoj.gov); ODNI; AGRICULTURE; COMMERCE; DEFENSE; EDUCATION; ENERGY; EPA; EEOC; FMSHRC; FTC-LRM; GSA; HHS; DHS; HUD; INTERIOR; LABOR; NASA; NARA; DL-NSS-LRM; OGE; DL-ONDCP-LRM; OPM; DL-OSTP-LRM; SBA; SMITHSONIAN; SSA; STATE; TRANSPORTATION; TREASURY; USAID; DL-USTR-LRM; VA

Cc: Mayock, Andrew; Torres, Rosanna; Haun, David J.; Weatherly, Mark A.; Boden, James; Williams, Monique C.; Page, Ben; Miller, Kimberly A.; FN-OMB-NSD-MILOPS; Mancini, Dominic J.; Fraser, Nicholas A.; Hunt, Alex; Seehra, Jasmeet; Liberante, Wendy L.; Mar, Sharon; Herms, Kevin; Ahmed, Shagufta; Schlosser, Lisa; Renda, Scott; Theroux, Rich; Lallemand, Chad A.; Brown, Dustin S.; Bussow, Mark; Washington, Geovette; Simpkins, John; Aitken, Steven D.; Hitter, Thomas E.; Walsh, Heather V.; Neill, Allie; Menter, Jessica; DL-OVP-LRM; DL-NSS-CYBER; DL-NSS-LEGAL; DL-WHO-WHGC-LRM; Dominguez, Daniel; DL-WHO-DPC-Justice-LRM; Asen, Jonathan; Pollack, Joshua; Bronack, Candice M.; Burnim, John D.; Vaeth, Matt; Green, Richard.

Subject: LRM [CMB-113-255] OMB Request for Views on S2520 - FOIA Improvement Act of 2014 #768606405#

Importance: High

Auto forwarded by a Rule

DEADLINE: 12:00 P.M. Wednesday, November 26, 2014

S. 2520, a bill that would make several amendments to the Freedom of Information Act, was reported as amended by the Senate Judiciary Committee on November 20th. The manager's amendment is attached for your review and comment. Please send any comments by the deadline above. Thank you.

LRM ID: CMB-113-255

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM

Monday, November 24, 2014

TO: Legislative Liaison Officer - See Distribution

FROM: Green, Richard (for) Assistant Director for Legislative Reference

SUBJECT: LRM [CMB-113-255] OMB Request for Views on S2520 FOIA Improvement Act of 2014

OMB CONTACT: **Oscar Gonzalez**

E-Mail: Oscar_Gonzalez@omb.eop.gov

PHONE: (b)(6)

FAX: (b)(6)

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

Thank you.

Bumpus, Jeanne

From: Bumpus, Jeanne
Sent: Wednesday, November 19, 2014 5:52 PM
To: lauren_barlow@judiciary-rep.senate.gov; April_Carson@judiciary-dem.senate.gov
Subject: FTC staff concerns with revised S. 2520

Lauren and April,

Thank you both for talking to us about our FTC staff concerns with S.2520. Lauren, you asked how the provision dealing with automatic fee forfeiture could be revised to adjust the number of pages. We believe that for the FTC's purposes, an appropriate number of pages is 3500 that are necessary to be reviewed in order to respond to a request (not necessarily that we'd produce 3500 pages).

If the legislation retains a codification of the foreseeable harm test, our GC's Office opined that having courts review an agency's determination for abuse of discretion, could limit the harmful unintended consequences of this provision.

Thank you again for talking with us.

Jeanne Bumpus
Office of Congressional Relations
Federal Trade Commission
326-2946

Bumpus, Jeanne

From: Williams, John (Commerce) <John_Williams@commerce.senate.gov>
Sent: Friday, December 05, 2014 6:41 PM
To: Bumpus, Jeanne
Subject: Fw: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Rockefeller, Press (Rockefeller) <Press@rockefeller.senate.gov>
Sent: Friday, December 5, 2014 6:27 PM
Subject: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT



FOR IMMEDIATE RELEASE

December 5, 2014

<http://rockefeller.senate.gov>



Contact: Jenny Rosenberg
202-224-6101

ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

WASHINGTON, D.C. – Senator Jay Rockefeller today issued the following statement regarding the hold he placed on S. 2520, the FOIA Improvement Act.

“I have a long record of support for open government and the FOIA process. I am concerned that provisions in this bill will have the unintended consequence of harming our ability to enforce the many important federal laws that protect American consumers from financial fraud and other abuses. According to experts across the federal government, these provisions would make it harder for federal agency attorneys to prepare their cases, and they would potentially give defendants new ways to obstruct and delay investigations into their conduct. I hope there is a way to address these concerns and pass the bill.”

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Sent: Tuesday, April 02, 2013 10:19 AM
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Subject: FW: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#

Hi Andrew—

We are fine with OGC's proposed response below. Thank you for the helpful summary.

Evan

Evan R. Zullow
Attorney Advisor to Chairwoman Edith Ramirez
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington D.C. 20580
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(f) 202.326.2396

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Subject: RE: (Amendment Text) LRM [AMS-113-7] JUSTICE Comments on HR1211 FOIA Oversight and Implementation Act of 2013 #661426660#
Auto forwarded by a Rule

To: Bumpus, Jeanne[JBumpus@ftc.gov]
From: Benway, Kathleen (Commerce)
Sent: Fri 12/5/2014 7:49:27 PM
Importance: Normal
Subject: Re: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT
MAIL_RECEIVED: Fri 12/5/2014 7:49:30 PM

Sure

----- Original Message -----

From: Bumpus, Jeanne [mailto:JBumpus@ftc.gov]
Sent: Friday, December 05, 2014 06:47 PM
To: Benway, Kathleen (Commerce)
Subject: RE: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

Thanks Kathleen.

-----Original Message-----

From: Benway, Kathleen (Commerce) [mailto:Kathleen_Benway@commerce.senate.gov]
Sent: Friday, December 05, 2014 6:42 PM
To: Bumpus, Jeanne
Subject: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

FOR IMMEDIATE RELEASE
5, 2014
<http://rockefeller.senate.gov>

Contact: Jenny Rosenberg December
202-224-6101

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"I have a long record of support for open government and the FOIA process. I am concerned that provisions in this bill will have the unintended consequence of harming our ability to enforce the many important federal laws that protect American consumers from financial fraud and other abuses. According to experts across the federal government, these provisions would make it harder for federal agency attorneys to prepare their cases, and they would potentially give defendants new ways to obstruct and delay investigations into their conduct. I hope there is a way to address these concerns and pass the bill."

###

To: 'Benway, Kathleen (Commerce)'[Kathleen_Benway@commerce.senate.gov]
From: Bumpus, Jeanne
Sent: Fri 12/5/2014 7:47:30 PM
Importance: Normal
Subject: RE: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT
MAIL_RECEIVED: Fri 12/5/2014 7:47:00 PM

Thanks Kathleen.

-----Original Message-----

From: Benway, Kathleen (Commerce) [mailto:Kathleen_Benway@commerce.senate.gov]
Sent: Friday, December 05, 2014 6:42 PM
To: Bumpus, Jeanne
Subject: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

FOR IMMEDIATE RELEASE
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To: 'Benway, Kathleen (Commerce)'[Kathleen_Benway@commerce.senate.gov]
From: Bumpus, Jeanne
Sent: Fri 12/5/2014 7:52:31 PM
Importance: Normal
Subject: RE: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT
MAIL_RECEIVED: Fri 12/5/2014 7:52:00 PM

Are you still in the office? Left VM for Christian.

-----Original Message-----

From: Benway, Kathleen (Commerce) [mailto:Kathleen_Benway@commerce.senate.gov]
Sent: Friday, December 05, 2014 6:49 PM
To: Bumpus, Jeanne
Subject: Re: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

Sure

----- Original Message -----

From: Bumpus, Jeanne [mailto:JBumpus@ftc.gov]
Sent: Friday, December 05, 2014 06:47 PM
To: Benway, Kathleen (Commerce)
Subject: RE: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

Thanks Kathleen.

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###

To: Reid, James (Rockefeller)[James_Reid@rockefeller.senate.gov]
From: Bumpus, Jeanne
Sent: Sat 12/6/2014 2:50:17 PM
Importance: Normal
Subject: Re: Leahy FOIA bill
MAIL_RECEIVED: Sat 12/6/2014 2:50:17 PM

James,

It's not a bother and I understand that the Senator is taking a lot of heat. Our staff does have fundamental reservations about the bill. Our Chairwoman is aware of these and shares them. I don't have the email I sent to John and Christian summarizing our staff's concerns with the measure following my conversation with Christian, but can recreate the contents and send it to you shortly. We admittedly were not very engaged on this until quite recently as it is a government wide bill. I do not believe that the other independent agencies like ours were really focused or engaged on the measures either. Although we saw ourselves as small fry on a bill of this scope, because of concerns with the measure's possible impact on our agency's work, FTC staff did meet with SJC Majority staff in late Summer, I think, to express our worries. One change in the SJC Committee amendment we thought was helpful, but I informed SJC staff before and after markup that we continued to have serious concerns even with the amendment. I will call you.

Jeanne

(b)(6)

"Reid, James (Rockefeller)" <James_Reid@rockefeller.senate.gov> wrote:

Jeanne:

According to the Commerce staff, the FTC has fundamental reservations with this bill. Please send me all the correspondence you had with them re this bill. Also, did the FTC relay its concerns to Energy and Commerce during House consideration? Did you offer formal comments to SJC?

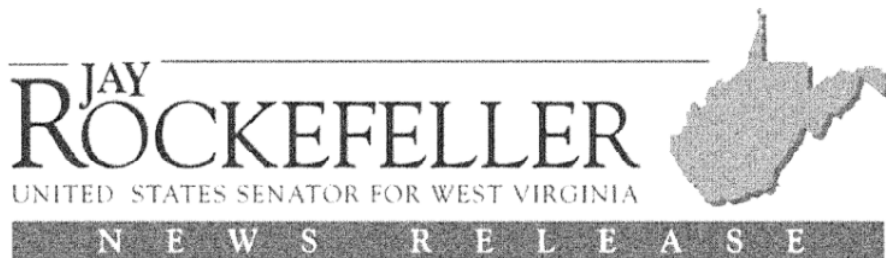
The Senator is holding up a bill that is widely supported by a broad coalition of good govt groups so I am inclined to tell the world that the Chairwoman has formally asked JDR to object to this bill and let her explain to folks the FTC's issues. If that is not the case, please let me know.

Sorry to bother you on the weekend, but this issue has really interfered with mine as well. I look forward to the information. Please feel free to call. (b)(6) if you have any questions.

James

To: Bumpus, Jeanne[JBumpus@ftc.gov]
From: Williams, John (Commerce)
Sent: Fri 12/5/2014 7:41:16 PM
Importance: Normal
Subject: Fw: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT
MAIL_RECEIVED: Fri 12/5/2014 7:41:20 PM

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.



FOR IMMEDIATE RELEASE

Contact: Jenny Rosenberg

December 5, 2014

202-224-6101

<http://rockefeller.senate.gov>



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To: Bumpus, Jeanne[JBumpus@ftc.gov]
From: Benway, Kathleen (Commerce)
Sent: Fri 12/5/2014 11:26:52 PM
Importance: Normal
Subject: Re: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT
MAIL_RECEIVED: Fri 12/5/2014 11:26:55 PM

We had left. I'll catch up to Christian.

----- Original Message -----

From: Bumpus, Jeanne [mailto:JBumpus@ftc.gov]
Sent: Friday, December 05, 2014 06:52 PM
To: Benway, Kathleen (Commerce)
Subject: RE: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

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To: "Williams, John (Commerce)"[John_Williams@commerce.senate.gov]
Cc: Fjeld, Christian (Commerce)[Christian_Fjeld@commerce.senate.gov]; Benway, Kathleen (Commerce)[Kathleen_Benway@commerce.senate.gov]; Doneski, Ellen (Commerce)[Ellen_Doneski@commerce.senate.gov]
From: Bumpus, Jeanne
Sent: Mon 12/8/2014 10:28:27 AM
Importance: Normal
Subject: RE: urgent need for review
MAIL_RECEIVED: Mon 12/8/2014 10:28:00 AM

Thanks John,

I will consult ASAP with our FOIA office and OGC who will know this much better than I do. My initial impression is that report language is often ignored, and Ms. Nisbet's statement says nothing about "abuse of discretion" standard. The FOIA statute in fact mentions "de novo" review, but I need to talk to our lawyers. In addition to making agencies articulate foreseeable harm, the bill also prohibits withholding just because material falls under an exemption, or because of speculative or abstract concerns. These latter prohibitions seem to invite challenges to the exemptions and it's not clear to me how they relate to foreseeable harm. Will consult with our folks and get back to you.

Jeanne

From: Williams, John (Commerce) [mailto:John_Williams@commerce.senate.gov]
Sent: Monday, December 08, 2014 9:06 AM
To: Bumpus, Jeanne
Cc: Fjeld, Christian (Commerce); Benway, Kathleen (Commerce); Doneski, Ellen (Commerce)
Subject: urgent need for review

Hi Jeanne. Judiciary sent us some proposed report language. Can you take a look at it and get back to us quickly? They also sent a quote from a prominent FOIA expert your FOIA people might have hear of. Both are below.

Report Language

It is the intent of Congress that agency decisions to withhold information under the foreseeable harm standard be subject to judicial review for abuse of discretion, consistent with current case law in other areas where courts have recognized the need for deference to federal agencies on "issues requiring agency expertise."^[1]

[1]See, e.g., *California ex rel. Imperial County Air Pollution Control Dist. v. U.S. Dept. of the Interior*, 767 F.3d 781, 792 (9th Cir. 2014) (applying abuse of discretion standard to Interior Department decision on Environmental Impact Statement) (quoting *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 377 (1989), and *Kleppe v. Sierra Club*, 427 U.S. 390, 412 (1976)).

Statement

Below is a statement from Miriam Nisbet, founding Director of the Office of Government Information Services (OGIS, the Federal FOIA ombudsman), National Archives and Records Administration (2009-2014). Miriam was a FOIA litigator for many years and now in her capacity as OGIS Director mediates disputes between agencies and requestors. She is very measured and independent.

"For the past 40 years, the government -- if sued by a person seeking disclosure of government records under the FOIA -- has been required to demonstrate that withheld information falls within one of the statutory exemptions. Under the FOIA Improvement Act of 2014, a government attorney's burden of defending a FOIA lawsuit would be the same as it is today under the Attorney General's FOIA Guidelines that have been in effect since 2009 and under those that were in effect during the Clinton Administration. That judicial review framework has worked remarkably well and is one of the reasons that our Freedom of Information Act is a model for other countries.

"At the same time, the Act would encourage greater use of dispute resolution as an alternative to litigation, as the law has provided since 2007. Preventing and resolving FOIA disputes through mediation in just this short time has proven to benefit FOIA requesters and agencies alike, making the FOIA process less adversarial, more transparent, and less costly."

(b)(6)

To: 'Benway, Kathleen (Commerce)'[Kathleen_Benway@commerce.senate.gov]; Williams, John (Commerce)[John_Williams@commerce.senate.gov]
Cc: Fjeld, Christian (Commerce)[Christian_Fjeld@commerce.senate.gov]; Doneski, Ellen (Commerce)[Ellen_Doneski@commerce.senate.gov]
From: Bumpus, Jeanne
Sent: Mon 12/8/2014 11:29:34 AM
Importance: Normal
Subject: RE: urgent need for review
MAIL_RECEIVED: Mon 12/8/2014 11:29:00 AM

Will do, thanks.

From: Benway, Kathleen (Commerce) [mailto:Kathleen_Benway@commerce.senate.gov]
Sent: Monday, December 08, 2014 10:05 AM
To: Bumpus, Jeanne; Williams, John (Commerce)
Cc: Fjeld, Christian (Commerce); Doneski, Ellen (Commerce)
Subject: Re: urgent need for review

Jeanne,

John says yes, ok to share.

Kathleen

From: Bumpus, Jeanne [mailto:JBumpus@ftc.gov]
Sent: Monday, December 08, 2014 09:49 AM
To: Williams, John (Commerce)
Cc: Fjeld, Christian (Commerce); Benway, Kathleen (Commerce); Doneski, Ellen (Commerce)
Subject: RE: urgent need for review

John,

May I share with other agencies? Tried to call but your VM is full.

Jeanne

From: Williams, John (Commerce) [mailto:John_Williams@commerce.senate.gov]
Sent: Monday, December 08, 2014 9:06 AM
To: Bumpus, Jeanne
Cc: Fjeld, Christian (Commerce); Benway, Kathleen (Commerce); Doneski, Ellen (Commerce)
Subject: urgent need for review

Hi Jeanne. Judiciary sent us some proposed report language. Can you take a look at it and get back to us quickly? They also sent a quote from a prominent FOIA expert your FOIA people might have hear of. Both are below.

To: Fjeld, Christian (Commerce)[Christian_Fjeld@commerce.senate.gov]
From: Bumpus, Jeanne
Sent: Wed 12/10/2014 2:51:57 PM
Importance: Normal
Subject: Report language
MAIL_RECEIVED: Wed 12/10/2014 2:51:00 PM

Christian,

Thanks for directing us to the colloquy in CR between Sens Rockefeller and Leahy. Do you have, or are you able to get, the report filed the SJC Monday night, Senate Report 113-287? I've tried Thomas, which says text is not yet received. Thanks,

Jeanne

To: Bumpus, Jeanne[JBumpus@ftc.gov]
Cc: Fjeld, Christian (Commerce)[Christian_Fjeld@commerce.senate.gov]; Shantz, Joe (Commerce)[Joe_Shantz@commerce.senate.gov]
From: Williams, John (Commerce)
Sent: Mon 12/1/2014 2:45:12 PM
Importance: Normal
Subject: reported version of FOIA reform bill
MAIL_RECEIVED: Mon 12/1/2014 2:45:16 PM
[S2520 FOIA reform - reported version.pdf](#)

Hi Jeanne. Christian let me know that you all were concerned about the Judiciary Committee's FOIA reform bill. Attached is the version of the bill as the Committee recently reported it. They are now seeking to hotline it. It looks like some of the pieces that concerned you have been removed, but overall it still creates a new standard of foreseeable harm that the agencies will have to deal with when they withhold information. Please let us know if you have any thoughts about it. As you can imagine, this is pretty time sensitive. Best Wishes, JW

To: Bumpus, Jeanne[JBumpus@ftc.gov]
From: Benway, Kathleen (Commerce)
Sent: Fri 12/5/2014 7:41:57 PM
Importance: Normal
Subject: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT
MAIL_RECEIVED: Fri 12/5/2014 7:42:00 PM

FOR IMMEDIATE RELEASE
December 5, 2014
<http://rockefeller.senate.gov>

Contact: Jenny Rosenberg

(b)(6)

ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

WASHINGTON, D.C. – Senator Jay Rockefeller today issued the following statement regarding the hold he placed on S. 2520, the FOIA Improvement Act.

"I have a long record of support for open government and the FOIA process. I am concerned that provisions in this bill will have the unintended consequence of harming our ability to enforce the many important federal laws that protect American consumers from financial fraud and other abuses. According to experts across the federal government, these provisions would make it harder for federal agency attorneys to prepare their cases, and they would potentially give defendants new ways to obstruct and delay investigations into their conduct. I hope there is a way to address these concerns and pass the bill."

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To: 'Williams, John (Commerce)'[John_Williams@commerce.senate.gov]
From: Bumpus, Jeanne
Sent: Fri 12/5/2014 7:47:07 PM
Importance: Normal
Subject: RE: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT
MAIL_RECEIVED: Fri 12/5/2014 7:47:00 PM

Thanks John.

From: Williams, John (Commerce) [mailto:John_Williams@commerce.senate.gov]
Sent: Friday, December 05, 2014 6:41 PM
To: Bumpus, Jeanne
Subject: Fw: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Rockefeller, Press (Rockefeller) <Press@rockefeller.senate.gov>

Sent: Friday, December 5, 2014 6:27 PM

Subject: ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT



FOR IMMEDIATE RELEASE

Contact: Jenny Rosenberg

December 5, 2014

202-224-6101

<http://rockefeller.senate.gov>



ROCKEFELLER STATEMENT ON FOIA IMPROVEMENT ACT

WASHINGTON, D.C. – Senator Jay Rockefeller today issued the following statement regarding the hold he placed on S. 2520, the FOIA Improvement Act.

“I have a long record of support for open government and the FOIA process. I am concerned that provisions in this bill will have the unintended consequence of harming our ability to enforce the many important federal laws that protect American consumers from financial fraud and other abuses. According to experts across the federal government, these provisions would make it harder for federal agency attorneys to prepare their cases, and they would potentially give defendants new ways to obstruct and delay investigations into their conduct. I hope there is a way to address these concerns and pass the bill.”

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To: Bumpus, Jeanne[JBumpus@ftc.gov]
From: Williams, John (Commerce)
Sent: Thur 12/4/2014 11:24:22 PM
Importance: Normal
Subject: Twitter activity
MAIL_RECEIVED: Thur 12/4/2014 11:24:25 PM

Hi Jeanne. Go to #FOIA on Twitter and check it out.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.